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CrI.O.P.No.30030 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.30030 of 2022

and

CrI.M.P.No.18419 of 2022

1. P.Nalini

2. Dhanalachumi

3. P.Muthukumar

4. P.Kalaiyaran

... Petitioners

Vs.

1. The State Represented by,
The Inspector of Police,
Namakkal Police Station,
Namakkal.

2. Vijaya

... Respondents

PRAYER: This Criminal Original Petition filed under Section 407 of Cr.P.C. to withdraw the Criminal Case in C.C.No.357 of 2022 on the file of the Judicial Magistrate-I, Namakkal and transfer the same to the Judicial Magistrate, Thuraiyur, Thiruchirapalli for the convenience of the parties.



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For Petitioner : Mr.M.Sedhumadhavan

For R1 : Mr.S.Santhosh

Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed seeking to withdraw the Criminal Case in C.C.No.357 of 2022 on the file of the Judicial Magistrate-I, Namakkal and transfer the same to the Judicial Magistrate, Thuraiyur, Thiruchirapalli for the convenience of the parties.

2.The learned counsel for the petitioner submitted that the petitioner had filed Maintenance case in M.C.No.12 of 2018 and the Domestic Violence Case in D.V.C.No.4 of 2018 against her husband and both the cases are pending before the learned Judicial Magistrate, Thuraiyur, Tiruchirapalli. He further submitted that on the complaint lodged by the 2nd respondent, a case in Crime No.1458 of 2021 was registered against the petitioner for the offence under Sections 294, 323, 324, 506(ii) of IPC, for which, investigation has been completed and charge sheet also laid and it is pending before the learned Judicial Magistrate -I, Namakkal in C.C.No.357 of 2022. Now, the petitioner find it difficult to travel to Namakkal to face trial in C.C.No.357 of 2022 and therefore



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this petition is filed to transfer the C.C.No. 357 of 2022 from the file of the learned Judicial Magistrate -I, Namakkal to the file of the Judicial Magistrate, Thuraiyur, Tiruchirapalli.

3. The learned Government Advocate (Crl.Side) opposed the petition on the ground that the trial is likely to commence.

4. It is seen that the case in Crime No.357 of 2022 was registered on basis of the complaint given by one Vijaya in Crime No.1548 of 2021 for the offence under Sections 294, 323, 324, 506(ii) of IPC before the Namakkal Police Station. It is also seen that the final report is filed and the trial is likely to commence. The other two cases claimed by the petitioner are different cases. The subject matter of the case in C.C.No.357 of 2022 is that the petitioner went to the residence of the defacto complainant and indulged in violence.

5. In view of the above, this Court is of the view that the reason stated in the affidavit for transfer of case in C.C.No. 357 of 2022 from the file of the learned Judicial Magistrate -I, Namakkal to the file of the Judicial Magistrate, Thuraiyur, Tiruchirapalli is not justifiable.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently,



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connected miscellaneous petition is closed.

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Sma

Index:Yes/No

Speaking/Non speaking order

To

1. Judicial Magistrate,
Thuraiyur, Tiruchirapalli
2. Judicial Magistrate No.I,
Namakkal.
3. Judicial Magistrate, Thuraiyur,
Tiruchirapalli.
4. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN.J.,



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